

Environmental Law and Justice Clinic\_Golden Gate Univ

From: Alan Ramo [aramo@ggu.edu]

Sent: Monday, February 04, 2002 4:56 PM

To: tara.dunn@dgs.ca.gov

Subject: ELJC Comment on Draft Energy Resource Investment Plan-Power Authority

Our office represents a number of community and public interest organizations concerned with energy development in California, including Our Children's Earth, Southeast Alliance for Environmental Justice and Bayview-Hunters Point Community Advocates in San Francisco. We are commenting briefly on the Draft Energy Resource Investment Plan to make the following points:

1. The emphasis on renewables and efficiency is much appreciated and will benefit California;
2. The plan only superficially addresses Environmental Justice. Environmental justice requires full and meaningful public participation in decision-making, particularly siting issues. The plan fails to address public participation in siting, a glaring deficiency. US EPA's draft participation policy requires involving the public as early as possible in the process. I urge you before seeking to site facilities in or near minority communities that you seek full participation by the concerned community, including workshops in the areas affected by any draft proposal to seek approval of a peaker plant. This involvement should occur prior to filing an application for certification with the California Energy Commission;
3. The plan proposes a peaker plant in the San Francisco, San Jose corridor. It is not clear if you mean a natural gas peaker or some other peaker that might have emissions. We urge you to delete this reference to a peaker and seek to solve this corridor's issues with upgraded transmission lines and the implementation of your renewable and efficiency planning. Picking on this corridor after sustained opposition to peakers by particularly minority members of these communities where such facilities usually get sited (see Latino Issues Forum's steady on peaker siting by CEC) insensitively smacks of environmental injustice.

Thank you for considering our comments.

Alan Ramo, Associate Professor of Law  
Director, Environmental Law and Justice Clinic  
and LL.M. Environmental Law Program  
Golden Gate University School of Law  
536 Mission Street  
San Francisco, CA 94105-2968  
(415) 442-6654 aramo@ggu.edu  
fax: 896-2450